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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

ANTHONY STEPHEN GEVAS,

Defendant and Appellant.

A134703

(Lake County
Super. Ct. No. CR923256)

Appellant Anthony Stephen Gevas entered a no contest plea to cruelty to a dependent adult in violation of Penal Code section 368, subdivision (b)(1), as charged in amended count 2 of the information. Count 1, sexual battery, and five prior prison term allegations were dismissed. At sentencing, probation was denied and appellant was sentenced to the upper term of four years in state prison.

The evidence¹ established that appellant approached the victim in the parking lot of the Sutter Lakeside Hospital and complimented her on her appearance. The victim had an appointment with her doctor. When she exited the building in her wheelchair following the appointment, appellant asked her if she needed a ride. She accepted and appellant put the wheelchair in the back of the truck. The victim entered the passenger's door of appellant's truck.

¹ The summary of facts is taken from the preliminary hearing transcript as there was no trial as a result of appellant's plea.

While he was driving on the highway, appellant “all of a sudden put his hand on my knee and rubbed up my thigh to touch my private spot.” The victim protested. Appellant also placed his hand inside her blouse and touched her right breast.

When they arrived at the victim’s ultimate destination, a CVS pharmacy, appellant removed the wheelchair from the back of the truck. The victim got in the wheelchair and appellant departed. The victim took the bus to her home. A few days after the incident, she reported the assault to the sheriff’s department.

Counsel for appellant has filed an opening brief raising no issues and requesting this court for an independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436. Appellant was advised by counsel of the opportunity to file a supplemental brief, but he has not done so. We have conducted the requested review and conclude that there are no arguable issues.

Appellant was represented throughout the proceedings by counsel. His no contest plea was validly entered after full advisement of his rights and consequences. There was no abuse of discretion or sentencing error.

Judgment affirmed.

Reardon, J.

We concur:

Ruvolo, P.J.

Sepulveda, J.*

* Retired Associate Justice of the Court of Appeal, First Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.